

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

Nashville  
2004-00571

**REGULATORY PROJECT MANAGER:**

Morris

**Date:** May 26, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office (Y/N)  
At the project site Y

**Date:**  
Date: May 26, 2005

**PROJECT LOCATION INFORMATION:**

State:

Tennessee

County:

Williamson

Center coordinates of site by latitude & longitudinal coordinates:

35-56-07/ 86-47-35

Approximate size of site/property (including uplands & in acres):

0.4 acre per consultant delineation

Name of waterway or watershed:

Harpeth 5130204

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Farm Pond	0.4 ac								

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary Or Approved X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** Inspector: Morris. Based upon field investigation, the farm pond (located alongside McEwen Lane to the east of the TVA towers) appears to be isolated from navigable waters and tributaries. The perimeter of the pond was inspected and no breaks in the pond walls were found for tributary ingress/egress. The nearest stream channel was located on the opposite side of the roadway, McEwen Lane, and did not cross through a culvert towards the pond. In addition, there is no apparent nexus to interstate commerce. Photographs taken during the investigation are in the file. Therefore, my jurisdictional determination is that the farm pond is isolated and not considered waters of the U.S. subject to Corps of Engineers regulatory jurisdiction under Section 404 of the Clean Water Act. (AVALON SUBDIVISION).